

FILED: NEW YORK COUNTY CLERK 04/29/2022 12:17 PM

NYSCEF DOC. NO. 1

INDEX NO. 153727/2022

RECEIVED NYSCEF: 04/29/2022

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

Index No.:

-----X  
KELLY JUNE BROGAN,

Plaintiff,

-against-

TARGET CORPORATION, NORTH BERGEN  
HOLDING LLC and JOHN DOE (first and last name  
being fictitious and unknown),

Defendants.  
-----X

**SUMMONS**

Plaintiff designates NEW YORK  
County as the place of trial.

The basis of venue is:  
Plaintiff's residence  
3333 Broadway  
New York, New York 10031

**To the above-named Defendants**

**You are hereby summoned** to answer the complaint in this action, and to serve a copy of your answer, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the services of this summons exclusive of the day of service, where service is made by delivery upon you personally within the state, or within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York  
April 29, 2022

Yours, etc.,  
**WILLIAM SCHWITZER & ASSOCIATES, P.C.**

By: John C. Merlino, Esq.

*Attorneys for Plaintiff*

KELLY JUNE BROGAN  
820 Second Avenue, 10<sup>th</sup> Floor  
New York, New York 10017  
(212) 683-3800  
File No.: SRDS22-046

TO:

TARGET CORPORATION  
1000 Nicollet Mall, TPN-12L  
Minneapolis, Minnesota 55403

NORTH BERGEN HOLDING LLC  
14 Saxon Court  
Freehold, New Jersey 07728

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SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

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KELLY JUNE BROGAN,

Plaintiff,

VERIFIED COMPLAINT

-against-

TARGET CORPORATION, NORTH BERGEN  
HOLDING LLC and JOHN DOE (first and last name  
being fictitious and unknown),

Defendants.  
-----X

Plaintiff, KELLY JUNE BROGAN, by her attorneys, WILLIAM SCHWITZER &  
ASSOCIATES, P.C., as and for a cause of action alleges upon information and belief as follows:

1. At all the times herein mentioned, Plaintiff, **KELLY JUNE BROGAN**, was and still is a  
resident of the County, City and State of New York.

2. That at all the times hereinafter alleged, and upon information and belief, the Defendant,  
**TARGET CORPORATION**, was and still is a domestic corporation organized and existing under  
and by virtue of the laws of the State of Minnesota.

3. That at all the times hereinafter alleged, and upon information and belief, the Defendant,  
**TARGET CORPORATION**, was and still is a foreign corporation authorized to do business under  
and by virtue of the laws of the State of Minnesota.

4. That at all the times hereinafter alleged, and upon information and belief, the Defendant,  
**TARGET CORPORATION**, was a company organized and existing under and by virtue of the laws  
of the State of Minnesota.

5. That at all of the times hereinafter mentioned, and upon information and belief, the  
Defendant, **TARGET CORPORATION**, maintained a principal place of business in the City of  
Minneapolis and State of Minnesota.

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6. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, owned the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

7. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, was the lessor of the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

8. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, was the lessee of the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

9. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, operated the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

10. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, maintained the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

11. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, managed the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

12. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, controlled the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

13. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **TARGET CORPORATION**, employed agents and staff to work at the aforesaid location.

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14. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **JOHN DOE**, was employed by Defendant, **TARGET CORPORATION**.

15. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **JOHN DOE**, was employed by Defendant, **TARGET CORPORATION**, and injured Plaintiff, **KELLY JUNE BROGAN**, during the course of his/her employment.

16. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **JOHN DOE**, was employed by Defendant, **TARGET CORPORATION**, and was careless, reckless and negligent and forcibly came into contact with Plaintiff, **KELLY JUNE BROGAN**.

17. That at all the times hereinafter alleged, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, was and still is a domestic corporation organized and existing under and by virtue of the laws of the State of New Jersey.

18. That at all the times hereinafter alleged, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, was and still is a foreign corporation authorized to do business under and by virtue of the laws of the State of New Jersey.

19. That at all the times hereinafter alleged, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, was a company organized and existing under and by virtue of the laws of the State of New Jersey.

20. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, maintained a principal place of business in the City of Freehold and State of New Jersey.

21. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, owned the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

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22. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, was the lessor of the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

23. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, was the lessee of the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

24. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, operated the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

25. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, maintained the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

26. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, managed the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

27. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, controlled the premises located at 7101 Tonnelle Avenue, County of Hudson and State of New Jersey.

28. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **NORTH BERGEN HOLDING LLC**, employed agents and staff to work at the aforesaid location.

29. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **JOHN DOE**, was employed by Defendant, **NORTH BERGEN HOLDING LLC**.

30. That at all of the times hereinafter mentioned, and upon information and belief, the

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Defendant, **JOHN DOE**, was employed by Defendant, **NORTH BERGEN HOLDING LLC**, and injured Plaintiff, **KELLY JUNE BROGAN**, during the course of his/her employment.

31. That at all of the times hereinafter mentioned, and upon information and belief, the Defendant, **JOHN DOE**, was employed by Defendant, **NORTH BERGEN HOLDING LLC**, and was careless, reckless and negligent and forcibly came into contact with Plaintiff, **KELLY JUNE BROGAN**.

32. That on January 10, 2022, the Plaintiff, **KELLY JUNE BROGAN**, was on the aforementioned premises.

33. That on January 10, 2022, the Plaintiff, **KELLY JUNE BROGAN**, was on the aforementioned premises when she was struck down with blunt force by a cart full of stocked merchandise.

34. The aforesaid accident and the injuries resulting therefrom were due to the careless, reckless and negligent manner in which the Defendants owned, operated, maintained, managed, controlled, performed, and supervised their employees at the aforesaid premises, without the Plaintiff in any way contributing thereto.

35. The Defendants herein were careless, reckless and negligent in that they violated their duties to persons lawfully on the aforesaid premises and to this Plaintiff in particular, in knowingly setting up the premises in an unsafe manner; in failing to properly train their employees and in negligently performing work; permitting, suffering and allowing the aforesaid premises to be, become and remain in a defective, unsafe and dangerous condition; and were further negligent in failing to take suitable precautions for the safety of persons lawfully on the aforesaid premises.

36. That by reason of the foregoing and the negligence of the Defendants, the Plaintiff, **KELLY JUNE BROGAN**, was severely injured, bruised and wounded, suffered, still suffers and will continue to suffer for some time physical pain and bodily injuries and became sick, sore, lame

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and disabled and so remained for a considerable length of time.

37. That by reason of the foregoing, the Plaintiff, **KELLY JUNE BROGAN**, was compelled to and did necessarily require medical aid and attention, and did necessarily pay and become liable therefore for medicines and upon information and belief, the Plaintiff will necessarily incur similar expenses.

38. That by reason of the foregoing, the Plaintiff, **KELLY JUNE BROGAN**, has been unable to attend to her usual occupation in the manner required.

39. One or more of the exceptions of §1602 of the Civil Practice Laws and Rules applies to the within action.

40. That as a result of the foregoing, the Plaintiff, **KELLY JUNE BROGAN**, has been damaged in a sum which exceeds the jurisdictional limits of all lower courts.

**WHEREFORE**, Plaintiff, **KELLY JUNE BROGAN**, demands judgment against the Defendants for the First Cause of Action in excess of the jurisdictional amounts of the lower Courts, together with the costs and disbursements of this action.

Dated: New York, New York  
April 29, 2022

Yours, etc.,  
**WILLIAM SCHWITZER & ASSOCIATES, P.C.**

By: John C. Merlino, Esq.

*Attorneys for Plaintiff*

**KELLY JUNE BROGAN**

820 Second Avenue, 10<sup>th</sup> Floor

New York, New York 10017

(212) 683-3800

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**ATTORNEY'S VERIFICATION**

I, John C. Merlino, Esq., an attorney duly admitted to practice in the Courts of the State of New York, hereby affirms the following to be true under the penalty of perjury:

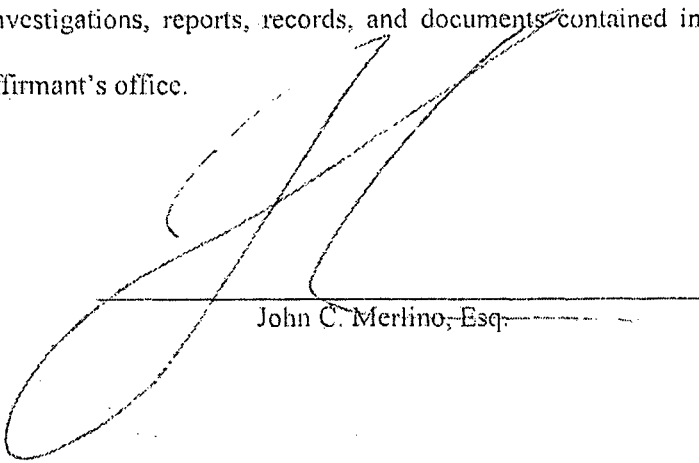
That I am associated with the firm WILLIAM SCHWITZER & ASSOCIATES, P.C., the attorneys for the Plaintiff in the within action and as such, I am fully familiar with the facts and circumstances surrounding this matter based upon my review of the contents of the file maintained by this office.

That I have read the foregoing **SUMMONS AND COMPLAINT** and know the contents thereof; that the same is true to my own knowledge except as to the matters therein stated to be alleged upon information and belief; and, as to those matters, I believe them to be true.

That the reason this verification is made by your affirmant and not by the Plaintiff is that the Plaintiff does not reside within the county in which my office is maintained.

That the grounds for your affirmant's belief as to all matters not stated upon my own knowledge are as follows: facts, investigations, reports, records, and documents contained in Plaintiff's file maintained by your affirmant's office.

Dated: New York, New York  
April 29, 2022



John C. Merlino, Esq.



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Defendants.

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SUMMONS AND VERIFIED COMPLAINT

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WILLIAM SCHWITZER & ASSOCIATES, P.C.

*Attorneys for Plaintiff*

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